

## Remarks

Claims 1, 5-7 and 9 are now pending in this application. Applicant has amended claims 1, 5-7 and 9 and canceled claims 2-4 to clarify the present invention. Applicant respectfully requests favorable reconsideration of this application.

The objections to the drawings under 37 C.F.R. § 1.83(a) are no longer relevant since the language identified by the Examiner is no longer present in the claims. Along these lines, claim 9 has been amended to recite that the underframe rather than a "bogie wagon" is supported by the beam. This is clearly shown in Figs. 1 and 2. The original Swedish application recited the term "underrede". This term may be translated in a variety of ways of which underframe is more appropriate in the context of the present invention. With respect to claim 2, this claim is no longer pending. In view of the above, Applicant submits that the drawings comply with 37 C.F.R. § 1.83(a) and respectfully request withdrawal of this objection.

The beam according to the present invention is operative to carry an outer casing of a car body and simultaneously provide direct support for internal components. The present invention does not require separate mounting members of internal beams mounted inside the car body for supporting internal components. Additionally, the number of joints on the inside of the car body, which normally need to be welded, riveted and screwed for the attachment of internal components may be considerably reduced. Consequently, the present invention permits the working time and the cost for mounting internal components in a car body to be considerably reduced in comparison to a convention car body.

The Examiner rejected claims 1, 2, 7, and 9 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 4,319,528 to Gutridge et al. The Examiner rejected claims 3-6 under 35 U.S.C. § 103(a) as being unpatentable over Gutridge et al. in view of U.S. Patent 4,238,550 to Burgess et al.

Gutridge et al. does not disclose the present invention since, among other things, Gutridge et al. does not disclose a beam with an integrated attaching member that includes a longitudinally extending recess to which interior and exterior elements of a rail car may be attached. The stringers and vertical posts disclosed by Gutridge et al. do not include an integrated attaching member. Additionally, the vertical posts do not support internal components. While the stringers may support internal components, the internal components are supported by a flexible extrusion and a rigid extrusion that are separately mounted on the stringer. The internal beam is not arranged to carry the outer sheet casing of the car body. Furthermore, the internal beam does not include an integrated attaching member, much less an integrated attaching member that defines a recess that extends in the longitudinal direction of the beam.

In view of the above, Gutridge et al. does not disclose all elements of the present invention as recited in claims 1, 5-7 and 9. Since Gutridge et al. does not disclose all elements of the present invention as recited in claims 1, 5-7 and 9, the present invention, as recited in claims 1, 5-7 and 9, is not properly rejected under 35 U.S.C. § 102(b). For an anticipation rejection under 35 U.S.C. §

102(b) no difference may exist between the claimed invention and the reference disclosure. *See Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q. 841 (C.A.F.C. 1984).

Along these lines, anticipation requires the disclosure, in a cited reference, of each and every recitation, as set forth in the claims. *See Hodosh v. Block Drug Co.*, 229 U.S.P.Q. 182 (Fed. Cir. 1986); *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986); and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986).

Gutridge et al. does not suggests the present invention since Gutridge et al. does not suggest a beam with an integrated attaching member that includes a longitudinally extending recess to which interior and exterior elements of a rail car may be attached. Gutridge et al. suggests a car body that includes stringers and vertical posts of convention construction having standardized cross sectional profiles. A flexible extrusion includes a recess in which a bulbous portion of a rigid extrusion is mounted. The extrusion includes a head portion that includes a horizontally extending recess for the application of internal components in the car body. The extrusion also includes a lower extension that clamps an upper edge of an inner panel. An internal beam is attached to the vertical posts. A flexible extrusion is connected to the beam by means of a thread-screw. The extrusion includes a recess that may be utilized as a seat slide or to support internal components of the car body. The upper end of the extrusion is provided with a recess within which a lower edge of the panel is retained.

In view of the above, Gutridge et al. suggests stringers, vertical posts, and an internal

beam that do not include an integrated attaching member. The vertical posts do not support internal components. Similarly, the internal beam is not arranged to carry the outer sheet casing of the car body.

The internal beam suggested by Gutridge et al. is not arranged to carry the outer sheet casing of the car body. Additionally, the internal beam does not include an integrated attaching member. Rather, the internal beam provides a support of the lower edge of a panel by means of a flexible extrusion. Such an internally arranged beam reduces the internal space of the car body. Furthermore, the use of a plurality of separate mounting members such as flexible and rigid extrusions results in a relatively complex mounting process for supporting internal components in the car body.

The combination of Gutridge et al. and Burgess et al. does not suggest the present invention since, among other things, Burgess et al. does not overcome the above-described deficiencies of Gutridge et al. Therefore, the combination of Burgess et al. and Nørregaard et al. would suffer from the same shortcomings. Along these lines, Burgess et al. does not suggest a beam with an integrated attaching member that includes a longitudinally extending recess to which interior and exterior elements of a rail car may be attached. Rather, Burgess et al. suggests a dunnage bar. Such a dunnage bar has a different application and experiences different loads. It would not be obvious to one of ordinary skill in the art to even look to the art of dunnage bars much less modify such a dunnage bar to receive components in a car body. Along these lines, Burgess et al. does not include any suggestion of using the dunnage bar in another application.

The dunnage bar suggested by Burgess et al. positions loads in a rack or other shipping container, as described at col. 1, lines 4-6. The function of the longitudinal slot of the dunnage bar suggested by Burgess et al. is to receive buffer members used to prevent vibrations of a load during transport. Consequently, the longitudinal slot suggested by Burgess et al. does not constitute an attachment member for a direct support of a load. Additionally, the dunnage bar does not function to carry an outer casing of a container.

In view of the above, it would not be obvious to one of ordinary skill in the art to use or modify the dunnage bar suggested by Burgess et al. in the railcar suggested by Gutridge et al.

In view of the above, the references relied upon in the office action, whether considered alone or in combination, do not disclose or suggest patentable features of the present invention. Therefore, the references relied upon in the office action, whether considered alone or in combination, do not anticipate the present invention or make the present invention obvious. Accordingly, Applicant respectfully requests withdrawal of the rejections based upon the cited references.

In conclusion, Applicant respectfully requests favorable reconsideration of this case and early issuance of the Notice of Allowance.

If an interview would facilitate the prosecution of this application, Applicants urge the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 19-5127, 19378.0020.

Respectfully submitted,

Date: 9-26-03

A handwritten signature in cursive script, appearing to read "Eric J. Franklin", written over a horizontal line.

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